

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

TRACY LANDIS,)	
)	
Plaintiff,)	
v.)	CAUSE NO. 3:17-CV-309
)	
ZIMMER BIOMET HOLDINGS, INC.,)	
)	
Defendant.)	

COMPLAINT AND DEMAND FOR JURY TRIAL

Plaintiff, Tracy Landis (“Landis”), by counsel, brings this action against Defendant, Zimmer Biomet Holdings, Inc. (“Defendant”), and shows as follows:

OVERVIEW

1. This is an employment discrimination action (disability) brought by Landis against Defendant alleging that she was discriminated against because of one or more of her disabilities and/or because Defendant failed to engage in the interactive process in good faith and/or failure to accommodate her disabilities in contravention of the Americans with Disability Act of 1990 (“ADA”), 42 U.S.C. §12101 et. seq.

PARTIES

2. Landis is employed by Defendant. She lives in Kosciusko County.
3. Defendant is a corporation that conducts business and maintains offices in Kosciusko County.
4. Landis, at all times relevant, was an ‘employee’ as defined by 42 U.S.C. §12111(4). Moreover, Landis is disabled as that term is defined by the ADA.
5. Defendant is an ‘employer’ as defined by 42 U.S.C. §12111(5)(A).

JURISDICTION AND VENUE

6. This Court has subject matter jurisdiction pursuant to 28 U.S.C §1331 and 42 U.S.C. §12117(a).

7. Venue is proper in this Court pursuant to 28 U.S.C. §1391 as all events, transactions, and occurrences pertinent to this lawsuit have occurred within the geographical environs of the Northern District of Indiana and all parties are located herein.

FACTUAL ALLEGATIONS

8. Landis was hired by Defendant in or about July 2005.

9. At all times Landis met or exceeded Defendant's legitimate expectations of performance.

10. Landis was diagnosed with a blood disorder. As a result Landis applied for, was approved for, and used intermittent leave to receive medical treatment for this condition in 2013 and 2014. Defendant learned of Landis' condition. Landis had other conditions that Defendant was aware of that substantially limited her in one or more major life activities.

11. In late August 2015, Defendant told Landis that her department would be shut down for FDA validations.

12. At the time Defendant told Landis about the FDA testing, there were 30-40 people in her department.

13. Landis was told that she could bid on other positions like her peers.

14. Landis bid on one or more positions.

15. One of the departments in which Landis could have been placed decided outright that they would not accommodate her work restrictions that related to her disability(ies).

16. Landis and others with physical disabilities or conditions were encouraged to go on short-term disability rather than accept a lateral or lesser position.

17. Upon information and belief that Defendant has a policy that permits full-time employees to bump less senior employees and/or temporary employees when their departments close down temporarily.

18. Defendant's Human Resources lobbied Landis to go on short-term disability.

19. Landis was on short-term disability for a short while before it was determined that she could perform work.

20. Landis promptly contacted Defendant to see about returning to work. Defendant stonewalled Landis' efforts for two months.

21. Upon information and belief, Landis could have performed one or more positions with or without an accommodation prior to Defendant permitting her to return to work in the summer of 2016.

22. Landis suffered financial harm as a result of Defendant's unlawful conduct.

LEGAL ALLEGATIONS

VIOLATIONS OF THE ADA

23. Landis incorporates by reference paragraphs one (1) through twenty-two (22).

24. Landis was denied any accommodation, reasonable or otherwise, without explanation.

25. Defendant failed to engage in the interactive process.

26. Defendant discriminated against Landis by removing her from her position, denying her shifts, and denying her positions she applied for because of her disability.

27. Landis has been harmed by Defendant's conduct.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Tracy Landis, respectfully demands judgment against Defendant in her favor and requests that the Court grant the following relief:

- a) An Order awarding Landis the wages she lost and the value of the benefits she lost as a result of her unlawful termination;
- b) An Order awarding Landis compensatory and punitive damages for an intentional violation of her rights as provided for by the ADA;
- c) An Order awarding the costs of this action;
- d) An Order awarding reasonable attorneys' fees;
- e) An Order awarding pre-judgment and post-judgment interest at the highest rates allowed by law; and
- f) An Order granting such other and further relief as may be necessary and appropriate.

Respectfully submitted,

s/ Philip J. Gibbons, Jr.
Philip J. Gibbons, Jr. (#19353-49)
GIBBONS LEGAL GROUP, P.C.
3091 East 98th Street, Suite 280
Indianapolis, Indiana 46280
Telephone: (317) 706-1100
Facsimile: (317) 623-8503
E-Mail: phil@gibbonslegalgroup.com

s/ Christopher S. Wolcott
Christopher S. Wolcott (#23259-32)

Wolcott Law Firm LLC
Of Counsel to,
GIBBONS LEGAL GROUP, P.C.
450 East 96th Street, Suite 500
Indianapolis, Indiana 46240

Telephone: (317) 500-0700
Facsimile: (317) 732-1196
E-Mail: indy2buck@hotmail.com

JURY TRIAL DEMAND

Plaintiff demands a trial by jury on all issues deemed triable.

Respectfully submitted,

s/ Philip J. Gibbons, Jr.
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GIBBONS LEGAL GROUP, P.C.
3091 East 98th Street, Suite 280
Indianapolis, Indiana 46280
Telephone: (317) 706-1100
Facsimile: (317) 623-8503
E-Mail: phil@gibbonslegalgroup.com

s/ Christopher S. Wolcott
Christopher S. Wolcott (#23259-32)

Wolcott Law Firm LLC
Of Counsel to,
GIBBONS LEGAL GROUP, P.C.
450 East 96th Street, Suite 500
Indianapolis, Indiana 46240
Telephone: (317) 500-0700
Facsimile: (317) 732-1196
E-Mail: indy2buck@hotmail.com

Attorneys for Plaintiff